

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

THE NIELSEN COMPANY (US), LLC,)	
)	
Plaintiff,)	C.A. No. 21-1591-CJB
)	
v.)	JURY TRIAL DEMANDED
)	
HYPHAMETRICS, INC.,)	
)	
Defendant.)	

NOTICE OF VOLUNTARY DISMISSAL PURSUANT TO F.R.C.P. 41(a)(1)(A)(ii)

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Dated: May 8, 2024
11496525 / 14944.00003

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Attorneys for Defendant HyphaMetrics. Inc.

Redacted

This stipulation is entered into by and between Plaintiff The Nielsen Company (US), LLC (“Nielsen”) and Defendant HyphaMetrics, Inc. The parties, by and through their respective counsel of record, hereby stipulate and agree as follows:

[REDACTED]

WHEREAS, HyphaMetrics has agreed to waive the “Final Disposition” clauses of the Protective Order in this case, specifically Section 14 (which contains paragraphs 14.1-14.3) and that the parties agree that all Protected Material from this case will be returned or destroyed pursuant to the Protective Order in 23-136-GBW-CJB (Consolidated) (“the 136 Action”) only after the final disposition of the 136 Action;

WHEREAS, the parties have agreed that (1) the dismissal of this case is not intended to limit or otherwise affect Nielsen’s ability to pursue its infringement allegations against HyphaMetrics on any other ground, including, but not limited, to Claims 1, 3, 4, 7, 10, 12, and 15 of U.S. Patent No. 10,970,588 (“the ’588 Patent”), Claims 10, 12-14, and 16 of U.S. Patent No. 11,893,782 (“the ’782 Patent”), and Claims 1-6 and 8-21 of U.S. Patent No. 11,652,901 (“the ’901 Patent”) pending in the 136 Action; and (2) the dismissal of the Case does not constitute nor shall be construed to contain any admission regarding any issue with respect to the ‘588 patent, the ‘782 patent, or the ‘901 patent, including but not limited to Claims 1, 3, 4, 7, 10, 12, and 15 of the ‘588 Patent, Claims 10, 12-14, and 16 of the ‘782 Patent, and Claims 1-6 and 8-21 of the ‘901 Patent.

Redacted

STIPULATION

NOW, THEREFORE, Plaintiff and Defendant, by and through their respective counsel of record, agree and stipulate as follows:

Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, Plaintiff and Defendant stipulate that this action shall be dismissed with prejudice.

Respectfully submitted,
POTTER ANDERSON & CORROON LLP

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CERTIFICATE OF SERVICE

I, Andrew L. Brown, hereby certify that on May 8, 2024, the attached document was electronically filed with the Clerk of the Court using CM/ECF which will send notification to the registered attorney(s) of record that the document has been filed.

I hereby certify that on May 8, 2024, the attached document was electronically mailed to the following person(s):

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